is still going on even after announcement of new Master Plan 2021 for the State of Delhi and general elections to Municipal Corporation of Delhi;

(b) whether Government have ascertained the number of those illegal commercial premises which are to be sealed; and

(c) if so,the total number of such premises?

THE MINISTER OF URBAN DEVELOPMENT (SHRI S. JAIPAL REDDY):

(a) to (c) Pursuant to the notification of Master Plan of Delhi 2021 on 7.2.2007 and orders of the Hon'ble Supreme Court dated 12.2.2007 in the matter of "M.C. Mehta versus Union of India & Others", sealing in respect of premises, which are not covered by the Master Plan of Delhi 2021, is being continued by the Municipal Corporation of Delhi (MCD) under the orders of the Hon'ble supreme Court. MCD has reported that it has not under taken any exercise to ascertain the number of such illegal commercial premises.

Powers to PRTs under the Constitution

*409. SHRI PRAVEEN RASHTRAPAL: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) that real situation in various States with reference to Article 243, 243-A to 243-O as far as powers to Panchayati Raj Institutions are concerned;

(b) the State wise details in this regard; and

(c) the action proposed against the states, which have not transferred various statutory functions to the Panchayats?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) and (b) Article 243 and 243 (A) to 243 (O) of the constitution relate to:—

Article 243: Related to definitions of 'District', 'Gram Sabha', 'intermediate level', 'Panchayat', 'Panchayat area', 'population' and 'village'.

Article 243 A: Gram Sabha—Constitution of Gram Sabha is provided in the State Panchayati Raj Acts. The meetings of the Gram Sabhas are organized periodically in the states/UTs as provided in their State Panchayati Raj Acts.

Article 243 B: Constitution of Panchayats—All the states/UTs except Jharkhand have constituted Panchayats at three levels of "village", "Intermediate" and "District" (except that the intermediate level has been dispensed within states with a population of under 20 lakhs such as Sikkim, Manipur, Goa, Lashadweep, Dadara & Nagar Haveli and Daman & Diu). The Union Territory of Puducherry does not have District Panchayats.

Article 243 C: Composition of Panchayat—The composition of Panchayats in all the states/UTs except Jharkhand has been done in accordance with the provisions of this Article.

Article 243 D: Reservations of seats—There is reservation of seats for SCs; STs in proportion to their pupulation and one third of the seats for Women in all states and UTs. The states of Bihar and Madhya Pradesh have amended their state Acts to provide for 50% reservation to women. The state-wise details are at Statement-I. (*See* below).

Article 243 E: Duration of Panchayats, etc—The elections to Panchayats have been, by and large held regularly in all the states/UTs except in Jharkand. Recently in the state of Goa the elections, which were due in January 2007, have been postpond, but rescheduled for the immediate future.

Article 243 F: Disqualifications for Membership—All the States and UTs have constituted the State Election Commissions who have the mandate to ensure compliance of the provisions enshrined in this Article.

Article 243 G: Powers, authority and responsibilities of Panchayats—Article 243 G provide for "devolution", that is, the empowerment of Panchayati Raj Institutions to functions as institutions of self government for twin purposes of (i) making plans for economic development and social justice for their respective areas, and (ii) implementing programmes of economic development and social justice in their respective areas, for the subjects devolved to the PRIs, including those listed in the eleventh Schedule, and subject to such conditions as the state may, by law, specify. The 1st and 2nd Round Tables of the Ministers in-charge of

Panchayati Raj evolved a consensus among states to devolve fund, functions and functionaries through the mechanism of Activity Mapping by following the principle of 'subsidiarity'. The State-wise details are given in Satement-II (*See* below).

Article 243 H: Powers to impose taxes by, and Funds of, the Panchayats—The state government have authorized the Panchayati Raj institutions to levey and collect taxes, fees, etc. in accordance with the procedures as laid down in the State Panchayati Raj Act. The details fo such taxes collected by Panchayats in different states is not available with the Mnistry. However, the state governments are being persuaded to provide united grants to the Panchayats from the Consolidated fund of the states and to open a Panchayat sector window in their state's budget to supplement the resources of the Panchayati Raj Institutions.

Article 243 I: Constitution of Finance Commission to review financial position—The status of constitution of the State Finance Commission is given at Statement-III (*See* below).

Article 243 J: Audit of Accounts of Panchayats: All the State Governments have a system of audit of accounts of the Panchayati Raj Institutions through the Director of Local Fund Audit. The Ministry of Panchayati Raj is working closely with the Comptroller and Auditor General of India to pursuade the State Governments to adopt Training, Guidance and Supervision (TGS) model developed by the C&AG. All States (except Arunahal Pradesh) covered under Part IX of the Constitution have accepted this model.

Article 243 K: Election to Panchayat—All State Governments have constituted State Election Commission to ensure free and fair elections of PRIs.

Article 243 L: Application to Union Territories—Provisions in the Part IX of the Constitution have been made applicable to the Union Territories under certain terms and condition.

Article 243 M: Gives to Parliament the power to extend the provisions of Part IX to the tribal areas listed in the Fifth Schedule. It is in exercise of these powers that Parliament passed the Privisions of the Panchayats (Extension to the Scheduled Areas) Act 1996. This Act applies to Fifth Schedule Areas of 9 States i.e. Andhra Pradesh, Orissa, Chhattisgarh,

Jharkhand, Rajasthan, Madhya Pradesh, Gujarat, Himachal Pradesh, Maharashtra.

Article 243 M Exempts certain States and certain areas covered by the Sixth Schedule, as also certain other States and regions covered by seperate special arrangements, from the purview of Part IX of the Constitution. This Article exempts Arunachal Pradesh from necessarily making reservations for the Scheduled Castes.

Article 243 N: Provides a one year grace period from the entry into force of Part IX to bring all laws dealing with the Panchayats into conformity with IX of the Constitution. The State Governments are being persuaded to amend their Acts to avoid conflict with Part IX of the Constitution. No progress has been reported by the State Governments in this regard.

Article 243 O: Bar to interference by courts in electoral matters—The State Governments have built in this provision in their respective State Panchayati Raj Act.

(c) The first task before the Ministry was to evolve a national consensus in respect of the Roadmap for Panchayati Raj through matual consultation between the Centre and the States. Ministry of Panchayati Raj convened Seven Round Tables of State Panchayati Raj Ministers with the Union Minister of Panchayati Raj between July and December 2004. The deliberations centered on the 18 identified dimensions of Panchayati Raj ranging from the effective Devolution of the Functions, Finances and Functionaries to District Planning, Training and Capacity Building and IT-enabled e-governance. At the conclusion of each Round Table, nearly 150 action points, comprised in the Compendium, were unaimously adopted by all Panchayati Raj Ministers. This has become a National Roadmap for effective Panchayati Raj. The National Road Map is being reinforced by State-specific Roadmaps based on Joint Statements of Conclusions or Memoranda of Understanding entered into between Chief Minsiters of States and authorities concerned in Union Territories at the conclusion of Panchayati Raj tours by the Union Minister of Panchayati Raj to States/ UTs. So far, 21 such jointly signed satements have been issued. The texts of joint statements concluded before November, 2006 are included in the Report on 'The State of the Panchayats: A Mid-Term Review and Appraisal' tabled in both Houses of Parliament on 23 November, 2006.

A Committee of Panchayati Raj Secretaries headed by the Secretary, Ministry of Panchayati Raj has been constituted to monitor the progress and implementation of these 150 Action Points. This Committee also services the Council of Panchayati Raj Ministers. The Committee of Secretaries has held eight meetings. The Council of Ministers has been convened twice, at Kochi, Kerala in August 2005 and at Bhubaneshwar, Orissa in June 2006, respectively. The third meeting of the Council is being scheduled shortly.

The Empowered Sub-Committee of the National Development Council is now Chaired by the Union Minister of Panchayati Raj. Its recommendations are binding on State Governments. The Sub-Committee has dealt with various aspects of devolution and closely monitors developments in this regard.

Statement-I

No. of Panchayats and elected representatives in all the three tiers of Panchayats in States/UTs as on 01.12.2006

			Total for Panchayats at all levels: Number of elected representatives							
Sl. No.	State/UT	No. of Panchayats	General (Non-SC IST) categories		SC		ST		Total	Women
					No.	%	No.	%	No.	%
1	2	3	4	5	6	7	8	9	10	11
States:										
1.	Andhra Pradesh	22945	172136	34025	15.2	17842	8.0	224003	74019	33.0
2.	Arunachal Pradesh	1789	0	0	0.0	8260	100.00	8260	3183	38.5
3.	Assam	2431	23206	1344	5.3	886	3.5	25436	9903	38.9
4.	Bihar	9040	109767	19440	14.9	884	0.7	130091	70400	54.1
5.	Chhattisgarh	9982	76013	17540	10.9	66883	41.7	160386	54102	33.7
6.	Goa	192	1500	0	0.0	0	0.0	1500	453	30.2
7.	Gujarat	14068	83982	7970	7.0	22235	19.5	114187	38068	33.3
8.	Haryana	6325	54508	14965	21.5	0	0.0	69473	24994	36.0
9.	Himachal Pradesh	3330	16793	8724	32.0	1753	6.4	27270	9126	33.5
10.	Jharkhand	3979								
11.	Karnataka	5856	67920	17859	18.6	10311	10.7	96090	41210	42.9
12.	Kerala	1165	16246	2005	10.8	232	1.3	18483	6515	35.2

1	2	3	4	5	6	7	8	9	10	11
13.	Madhya Pradesh	23412	222836	61103	15.4	112938	28.5	396877	134368	33.9
14.	Maharashtra	28302	176877	25268	11.0	27565	12.0	229710	77118	33.6
15.	Manipur	169	1684	43	2.4	41	2.3	1768	646	36.5
16.	Orissa	6578	56576	16910	16.8	27376	27.1	100862	36086	35.8
17.	Punjab	12605	62680	28376	31.2	0	0.0	91056	31838	35.0
18.	Rajasthan	9457	73030	25364	21.2	21410	17.9	119804	42402	35.4
19.	Sikkim	170	639	57	5.7	309	30.7	1005	384	38.2
20.	Tamil Nadu	13031	91958	23653	20.3	877	0.8	116488	39364	33.8
21.	Tripura	540	3914	1509	26.3	310	5.4	5733	1986	34.6
22.	Uttar Pradesh	52890	578984	191950	24.9	727	0.1	771661	299025	38.8
23.	Uttarakhand	7335	44450	11077	19.3	1973	3.4	57500	21517	37.4
24.	West Bengal	3713	37277	17158	29.2	4314	7.3	58749	21428	36.5
	Union Territories:									
25.	A & N Islands	75	856	0	0.0	0	0.00	856	296	34.6
26.	Chandigarh	19	153	34	18.2	0	0.00	187	62	33.2
27.	D & N Haveli	12	7	3	2.4	115	92.0	125	49	39.2
28.	Daman & Diu	15	71	4	4.1	22	22.7	97	37	38.1
29.	Lakshadweep	11	1	0	0.0	100	99.0	101	38	37.6
30.	Puducherry	108	784	237	23.2	0	0.00	1021	370	36.2
	TOTAL:	239544	1974848	526618	18.6	327313	11.6	2828779	1038989	36.7

Statement-II

Status of Devolution of Funds, functions and functionaries to the Panchayati Raj Institutions

Functional devolution			Fiscal Devolution	Devolution of functionaries
Transfer of Subjects through Legislation	Subjects Covered under Activity Mapping	Comments		
1	2	3	4	5
Andhra Pradesh				
17	9	Activity Mapping is under finalisation	No Panchayat sector window in the budget. Panchayats get only SFC grants, some revenue assignments, CFC grants and SGRY/NREGA	Only General staff given, departmental staff answer to departments

1	2	3	4	5
Assam				
29	29	Activity Mapping issued in 2002 only on paper. Only 6 departments have issued further orders		
Arunachal Pradesh				
3		Activity Mapping not done	No revenue assignments, Only source of funds are CFC grants, NREGA, SGRY	Only skeleton staff given
Bihar				
25	25	Committee looking at Activity mapping	CFC grants, NREGA, SGRY	Only General staff given, departmental staff answer to departments
Chhattisgarh				
29	27	Activity Mapping under preparation, yet to be notified	Panchayat sector budget window exists. In 2006-07, Rs 803 crore, pertaining to 12 departments have been allocated to Panchayats	Sahayak Gram Panchayat Adhikari, Gram Panchayat Adhikari, Clerical and Class IV cadres of Education Tribal Health and 7-8 other departments declared as dying cadres and new recruitment to these cadres is undertaken directly by the Panchayats. Chhattisgarh has been particularly successful in recruitment of new Shiksha karmis at the level of the Janpad Panchayats. More than 30,000 teachers have been so recruited into local level cadres
Goa				
		The Act itself extensively lists out the powers given to the Panchayats. In a	Tax revenues and non-tax revenues from devolved taxation powers,	Village Panchayat can appoint employees other than Secretary or Gram

1	2	3	4	5
21	18	sense, this itself constitutes activity mapping, though a separate exercise is also under way.		Sevak using Panchayat funds. In ZPs, CEO and Adhyaksha of ZP have full control over ZP staff.
Gujarat				
15	14	Activity mapping being worked out, but not completed and notified	About Rs.3600 crore of development expenditure devolved to Panchayats (data for 04-05)	2.2 lakh employees devolved to Panchayats, mainly on deputation from State govt to Panchayat level post, covering 11 departments.
Haryana				
29	10	In 1995 detailed executive orders were issued for devolution, in respect of 16 departments, but remained largely on paper. In Feb 2006, Activity mapping was freshly issued for 10 departments	Activity Mapping of Feb 2006 gives funds for certain departments, such as health, public health, Irrigation, agriculture, forest, social justice, women and child devpt and animal husbandry. Average Total funds devolved to each GPs (incl. 12th FC) is Rs 4.38 lakhs.	Activity mapping of Feb 2006 devolves staff through deemed deputation in respect of 3 departments
Himachal Pradesh				
26	15	General notification on devolution of functions issued for 15 departments in July, 1996. However, only 8 of these have further issued notifications.		Staff is with State govt. Panchayats is appointing authority for 6 types of employees of group C&D category. In addition, Panchayats can report on physical attendance in respect of 2 categories of people.
Jharkhand				
No elections held to Panchayats				
Karnataka				
		Activity Mapping completed in accordance with the recommendations of	Devolution of funds revisited and corrected in October 2004, to match	Staff of all departments for which functional devolution

1	2	3	4	5
		the GOI task force, in August 2003.	functional devolution. 3561 crore of plan funds (mostly tied to schemes) and about Rs.4000 crore of non-plan funds devolved to Panchayats per annum and placed in their accounts in treasuries and banks.	undertaken, devolved to Panchayats on deputation. GPs can appoint Panchayat staff, except Panchayat Secretary. All transfers within the district done by committee headed by CEO of ZP.
29	29			
Kerala				
26	26	Responsibilty mapping undertaken is now being revisited, 18 departments are covered.	Three categories of funds transferred to Panchayats, namely, (a) untied plan allocation, (b) allocation for different subjects transferred to LSGIs, including plan and non-plan funds tied to specific schemes (c) maintenance grant and general purpose grant. In 2005-06, Rs 1375 crore was transferred to Panchayats.	Staff of 14 departments transferred to Panchayats, with disciplinary control and career review (through CRs) transferred to them.
Madhya Pradesh				
		Fresh activity mapping completed by an NGO is under the consideration of the government.	20 departments indicate their funds that are to go to Panchayats. Each GP gets about Rs. 1 lakh as untied fund grant.	All Class III village level functionaries converted into dying cadres and fresh recruitments undertaken by Panchayats. These include Panchayat secretaries, primary school teachers, anganwadi workers etc.
23	23			
Maharashtra				
		Activities devolved to Panchayats are listed in the acti itself.	Separate budget window for transfer of state plan grants to Panchayats.	All Group III and IV Panchayat level functionaries to be appointed by Zilla Panchayats. New amendment in 2003
18	18			

1	2	3	4	5
				brings all village level officials under the Village Panchayats.
Manipur				
22	22	So far only departments of RD&PR, C&I, Fisheries and Art and culture have issued departmental notifications for devolving funds and functionaries to Panchayats.	In 2005-06, Rs.2.85 crore for non-plan and Rs.63.07 lakhs for plan have been devolved to Panchayats.	Staff of the Government are posted to Panchayats and continue under the control and superintendence of the government.
Orissa				
25	9	In October 2005, orders were issued on activity mapping in 9 departments. It is now reported that 10 individual government departments have issued orders in furtherance of the same.	Panchayats get plan and non-plan funds in respect of a few departments, mainly RD, PR,	Officials of departments are to report to Panchayats in respect of transferred schemes. Panchayats do not make any appointments of their own.
Punjab				
7	6	Devolution orders were issued in respect of 6 departments in October 2003. Now activity mapping has been completed for 29 matters and awaits government approval.	Funds are not devolved to Panchayats, except CSS funds in respect of a few schemes, such as SGRY.	Seven departments propose to delegate powers of supervision to Panchayats. In health department, the powers of outsourcing the running of PHCs has been devolved to Panchayats. Recently. In education department, powers of recruitment of teachers has been given to Panchayats.
Rajasthan				
29	12	Activity mapping, Based on the powers sanctioned to the Panchayats under the law is ready, pending approval of the Government.	About Rs.135 crores given to Panchayats under the Finance Commission grants.	Officials of 8 departments placed with each Panchayat through deputation from government.

1	2	3	4	5
Sikkim				
28	28	Activity mapping completed and notified by the Government in November 2006.	United block grants of Rs.10 lakhs given annually to GPs and Rs.50 lakhs to ZPs. 6 departments give their funds to Panchayats through cheques for schemes.	Staff on deputation from the Government. Panchayat secretary elected by the members. Draft Panchayati Raj service rules prepared by the State and is under examination by line departments.
Tamil Nadu				
29		Activity Mapping to be undertaken. A high level committee under Chairpersonship of the Minister for Rural Development and local administration set up.	Only SFC grants given to Panchayats. During 2005-06, about Rs.195 crore was given to Gram Panchayats.	At GP level, part-time clerks can be appointed by the Panchayat president. ZPs and Block Panchayats have no control over line department staff.
Tripura				
29	21	Government orders devolving functions to Panchayats ready for 12 departments.	Funds are given to Panchayats under the gramodaya scheme. According to the recommendations of the SFC, the GPs are to get Rs.100 per capita, the PSIs Rs. 60 and ZPs, Rs.40. However, the full amounts are not released and they get only about 25 percent of this allocation.	Staff in respect of 21 departments deputed to Panchayats from the government, with Panchayats exercising powers of payment of salaries, grant of leave, writing of CRs and disciplinary action.
Uttar Pradesh				
12		Functions relating to 12 departments have been transferred to Panchayats. Activity mapping is still under the consideration of the Government.	Funds in respect of certain schemes transferred to Panchayats such as poverty alleviation schemes, midday meals, rural markets SGRY and other CSSs. In addition about Rs.1174 crores have been given to	GPs have power of verification of attendance of all village level workers. Village level functionaries of some departments were transferred to Gram Panchayats in 1999, but they were subsequently

1	2	3	4	5
			Panchayats under the SFC recommendations	withdrawn.
Uttaranchal				
14	9	Activity mapping was issued in September 2006, but departments have not issued their.	Funds pertaining to a few CSSs alone are transferred to Panchayats.	In January 2005, executive orders were issued transferring powers of seeking information and supervision over employees of 14 departments to Panchayats.
West Bengal				
29	15	Activity mapping completed in November 2005.	Rs.278 crore of State funds devolved to Panchayats in 2005-06 as budget grants. Reported that total transfer of funds to Panchayats in 2005-06 was Rs.1066 crore.	EO of the ZP made appointing authority for all posts except group D posts at GP level, for which EO of Panchayat samiti is the appointing authority. This has been done by the WB Panchayat amendment Act 2006. Each GP has 6 sanctioned posts.

Statement-III

Status of Constitution of SFCs

Constitution and submission of 2nd SFC Report and Action Taken Thereon					
Sl. No.	State	Date of Constitution of SFC	Date of submission of SFC report	Date of submission of ATCR	Period covered by SFC
1	2	3	4	5	6
1.	Andhra Pradesh	8.12.1998	19.08.2002	31.3.2003	2000-01 to 2004-05
2.	Arunachal Pradesh	Constituted	Interim Report Submitted		
3.	Assam	1.12.1999	18.08.2003	Partially accepted	2001-02 to 2005-06
4.	Bihar	June, 1999	RLB-Sep 2001 ULB-Jan. 2003	Not submitted	
5.	Chhattisgarh	Constituted		Not submitted	

1	2	3	4	5	6
6.	Goa	Constituted	Not submitted	Not submitted	
7.	Gujarat	19.11.2003	Submitted	Partially accepted	2005-06 to 2009-10
8.	Haryana	6.9.2000	Submitted		2001-02 to 2005-06
9.	Himachal Pradesh	25.5.1999	24.10.2002	August, 2003 To to accepted	2002-03 to 2006-07
10.	J & K	Not Constituted			
11.	Jharkhand	Not Constituted			
12.	Karanatka	October 2000	Dec. 2002	Submitted	2003-04 to 2007-08
13.	Kerala	23.06.1999	Jan. 2001	Submitted	2000-01 to 2005-06
14.	Madhya Pradesh	17.06.1999	July, 2003	Not submitted	2001-02 to 2005-06
15.	Maharashtra	May, 1999	Oct., 2002	Submitted in Aug.,2003	2001-02 to 2005-06
16.	Manipur	03.01.2003	Nov.,2004	Dec., 2005	2001-02 to 2005-06
17.	Meghalaya				
18.	Mizoram				
19.	Nagaland				
20.	Orissa	5.06.2003	25.10.2003	Not submitted	2005-06 to 2009-10
21.	Punjab	Sep. 2000	15.2.2002	08.06.2002 Partially accepted	2001-02 to 2005-06
22.	Rajasthan	07.05.1999	30.08.2001	26.03.2002	2000-01 to 2004-05
23.	Sikkim	July, 2003	Submitted in 2004	Accepted in 2006	
24.	Tamil Nadu	1.12.1999	21.5.2001	08.05.2002 Partially accepted	2002-03 to 2007-08
25.	Tripura	29.10.1999	10.4.2003	Submitted. Not accepted	2003-04 to 2007-08

1	2	3	4	5	6
26.	Uttar Pradesh	Feb., 2000	June, 2002	30.04.2004	2001-02 to 2005-06
27.	Uttaranchal	Not constituted			
28.	West Bengal	14.7.2000	6.2.2002	Not submitted	2001-02 to 2005-06
29.	Pondicherry	2003	Submitted	Not submitted	
Constitution of 3rd SFCs					
1	Andhra Pradesh	16.01.2003	Not submitted	—	2005-06 to 2009-10
2	Kerala	20.09.2004	Not submitted	—	2006-07 to 2011-12
3	Punjab	20.09.2004	Not submitted	—	2006-07 to 2011-12
4	Himachal Pradesh	May, 1999	Not submitted		
5	Madhya Pradesh	Not available	Not submitted	—	
6	Maharashtra	Not available	Not submitted	—	
7	Rajasthan	September, 2005	Not submitted.	—	
8	Tamil Nadu	01.12.2004	Not submitted	—	
9	Assam	01.12.2004	Not submitted	—	
10	Karnataka	2004	Not submitted	—	

*No specific period of coverage has been prescribed.
Source: State Government and SFC reports.